

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA

v.

**3) ALBERTO MACARIO CHITIC
AKA: ALBERTO DE JESUS**

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CR. NO. 5:24-CR-01187-03-S

GOVERNMENT’S UNOPPOSED MOTION TO CERTIFY CASE AS COMPLEX

COMES NOW the United States of America ("the Government"), by and through its United States Attorney for the Southern District of Texas, Nicholas J. Ganjei, Assistant U.S. Attorney Jennifer L. Day, Matthew R. Galeotti, Head of the Criminal Division, U.S. Department of Justice, and Danielle L. Hickman, Trial Attorney, Human Rights and Special Prosecutions Section, and files this motion as follows:

1. Pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii), the Government moves to certify this case as a complex case.

2. In support of this motion, the Government affirms that this prosecution involves a three-year investigation into members of an international human smuggling conspiracy, which resulted in a mass casualty event that occurred in Tuxtla Gutierrez, Chiapas, Mexico on December 9, 2021 where more than 50 aliens were killed.

3. This investigation resulted in the indictment of targets in both Guatemala and the United States and involved a significant number of co-conspirators. Six defendants have been charged, including Agapito Jorge Ventura, an undocumented Guatemalan national residing in the United States. On December 9, 2024, four Guatemalan citizens, including Alberto Macario Chitic (“Chitic”), were also arrested based on the charge contained in this superseding indictment. Chitic

waived extradition and was brought to the United States on May 14, 2025. Three defendants remain in custody in Guatemala and are currently pending extradition to the United States. One defendant remains sealed.

4. The charged conspiracy spans 16 months, and includes multiple human smuggling events. This investigation is complex and involves an extensive amount of evidence gathered both domestically and internationally. This includes Facebook search warrant returns, hundreds of audio recordings, pen registers, geolocation data, photographs, and other documents. Additionally, the discovery to be provided includes documents received via Mutual Legal Assistance Treaties (MLATs) from Mexico and Guatemala. There are extensive communications between the co-conspirators and the individuals they smuggled (both written and audio) that must be reviewed.

4. Additionally, because this case charges a smuggling conspiracy resulting in death and serious bodily injury, there are additional medical records and death/autopsy records to be disclosed and reviewed.

5. Given the volume of discovery and the number of defendants, the production process will be more complicated and longer than in most other cases. It is anticipated that pretrial discovery will be lengthy and it is foreseeable that pretrial motions can reasonably be expected.

6. It is also anticipated that the case may present novel questions of fact and/or law and it is unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by 18 U.S.C. § 3161.

7. It is estimated that a trial in this case may take several days or weeks depending on the number of defendants who ultimately pursue a jury trial.

8. The Court has already certified this case as complex for Defendant 1, Agapito Jorge Ventura. That order was signed on January 2, 2025.

9. There are no material witnesses being held in custody on this case.

WHEREFORE, PREMISES CONSIDERED, the Government respectfully requests that its motion be granted.

Respectfully Submitted,

Nicholas J. Ganjei
United States Attorney

/s/ Jennifer L. Day
Jennifer L. Day
Assistant United States Attorney

Matthew R. Galeotti
Head of the Criminal Division
U.S. Department of Justice

/s/ Danielle Hickman
Danielle L. Hickman
Trial Attorney
Human Rights and Special Prosecutions Section
Criminal Division
U.S. Department of Justice

CERTIFICATE OF SERVICE AND CONFERENCE

The undersigned attorney certifies that she has provided a copy of the attached motion and has personally conferred with Adriana Arce Flores, counsel for Alberto Macario Chitic, who is unopposed to this motion.

/s/ Jennifer L. Day
Jennifer L. Day
Assistant U.S. Attorney